

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON DIVISION

IN RE: BOSTON SCIENTIFIC CORP.
PELVIC REPAIR SYSTEM
PRODUCTS LIABILITY LITIGATION

MDL No. 2326

THIS DOCUMENT RELATES TO THE CASES LISTED ON EXHIBIT A

MEMORANDUM OPINION AND ORDER

Pending in the cases listed on Exhibit A attached hereto are motions to dismiss Boston Scientific Corp. (“BSC”) with prejudice for plaintiffs’ failure to serve Plaintiff Fact Sheets pursuant to deadlines and requirements established by the court’s previous pretrial order. No plaintiff on Exhibit A has responded to BSC’s motion filed in each individual case. The court finds, pursuant to Rules 16 and 37 of the Federal Rules of Civil Procedure and after weighing the factors identified in *Wilson v. Volkswagen of Am., Inc.*, 561 F.2d 494, 503-06 (4th Cir. 1977), the cases on Exhibit A should be dismissed without prejudice for failure to serve Plaintiff Fact Sheets in compliance with the court’s previous pretrial order.

Therefore, the court **ORDERS** that the motions to dismiss pending in the cases on Exhibit A are **GRANTED in part** to the extent BSC seeks dismissal and **DENIED insofar as BSC seeks dismissal with prejudice**. The court **ORDERS** that the cases on Exhibit A are dismissed without prejudice and stricken from the court’s docket.

The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: January 11, 2019


JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE

EXHIBIT A

Docket		Case Name
1	2:14-cv-04772	ALVAREZ, Marlene and Rodolfo Alvarez vs. Boston Scientific Corporation
2	2: 13-cv-18445	ARMENDARIZ, Carmen and Jesus Armendariz vs. Boston Scientific Corporation
3	2:14-cv-27614	ASHMORE, Donna vs. Boston Scientific Corporation
4	2:15-cv-11492	BALLWEG, Karen vs. Boston Scientific Corporation
5	2:14-cv-11862	BAYBROOK, Stephanie and Robert Baybrook vs. Boston Scientific Corporation
6	2:16-cv-03136	BERG, Theresa and Bruce Berg vs. Boston Scientific Corporation
7	2:15-cv-02116	BORDER, Karen vs. Boston Scientific Corporation
8	2:18-cv-00359	Brickner v. Boston Scientific Corporation
9	2:18-cv-01080	Brooks v. Boston Scientific Corporation
10	2:14-cv-21311	BROWN-EASTER, Regina vs. Boston Scientific Corporation
11	2:17-cv-03019	BRUMMETT, Karen G. vs. Boston Scientific Corporation
12	2:13-cv-24478	BUCELLI, Megan Beth vs. Boston Scientific Corporation
13	2:12-cv-01397	BUCK, Janette vs. Boston Scientific Corporation
14	2:14-cv-27515	CALDWELL, Rochelle and Dwayne Caldwell vs. Boston Scientific Corporation
15	2:12-cv-04881	COLLINS, Janise L. vs. Boston Scientific Corporation
16	2:15-cv-06225	COLLINS, Deborah vs. Boston Scientific Corporation,
17	2:13-cv-18296	CURTNER, Cynthia and John Curtner vs. Boston Scientific Corporation
18	2:12-cv-00770	DAVIS, Tina vs. Boston Scientific Corporation
19	2:14-cv-04455	DUBOIS-JEAN, Margarette vs. Boston Scientific Corporation
20	2:14-cv-15794	ENRIQUEZ, Dorothy vs. Boston Scientific Corporation
21	2:13-cv-22978	FUSS, Justine and George Fuss vs. Boston Scientific Corporation
22	2:13-cv-21783	GARCIA, Roberta and Raynaldo Garcia vs. Boston Scientific Corporation
23	2:15-cv-10555	GIESER, Karen vs. Boston Scientific Corporation
24	2:13-cv-31332	GINN, Marylou vs. Boston Scientific Corporation
25	2:13-cv-16249	GOFORTH, Wilda vs. Boston Scientific Corporation

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Docket	Case Name
26	GREATHOUSE, Jenis vs. Boston Scientific Corporation
27	GRUBBS, Margarita and Jimmy Kenneth Grubbs vs. Boston Scientific Corporation
28	HALL, Carol and Steve Hall vs. Boston Scientific Corporation
29	HAMMONDS, Richelle L. vs. Boston Scientific Corporation
30	HARTNESS, Amy vs. Boston Scientific Corporation
31	HERBERT, Christine vs. Boston Scientific Corporation
32	HYLAND, Kimberly vs. Boston Scientific Corporation
33	Jacomet et al v. Boston Scientific Corporation
34	JIMENEZ, Kelli vs. Boston Scientific Corporation
35	Johnson et al v. Boston Scientific Corporation
36	WRIGHT, Veronica and Mark Lespinasse vs. Boston Scientific Corporation
37	YOCUM, Karen Topham and Richard Yocum vs. Boston Scientific Corporation
38	KILGORE, Margie and Donald Kilgore vs. Boston Scientific Corporation
39	KNIGHT, Pennie vs. Boston Scientific Corporation
40	Lappe et al v. Boston Scientific Corporation
41	LARIMORE, Angela vs. Boston Scientific Corporation
42	LARVIE, Lynda vs. Boston Scientific Corp.
43	Lloyd et al v. Boston Scientific Corporation
44	LUCERO, Rose and Robert Lucero vs. Boston Scientific Corporation
45	MACMILLAN, Ruth vs. Boston Scientific Corporation
46	MADDOX, Shirley vs. Boston Scientific Corporation
47	MARTIN, Teia Dion and Brad Neal Martin vs. Boston Scientific Corporation
48	MARTIN, Lucinda vs. Boston Scientific Corporation
49	MULLARKEY, Debra vs. Boston Scientific Corporation
50	MURRAH, Judy vs. Boston Scientific Corporation
51	NOTO, MaryAlice and Anthony Noto vs. Boston Scientific Corporation

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Docket		Case Name
52	2:16-cv-05563	NUNEZ, Velma Vaesa and Lorenzo Nunez vs. Boston Scientific Corporation
53	2:14-cv-13065	PAGE, Maureen Margaret and Daivd Page vs. Boston Scientific Corporation
54	2:13-cv-23052	PARKER, Anita Jo vs. Boston Scientific Corporation
55	2:14-cv-14068	PETERS, Elizabeth vs. Boston Scientific Corporation
56	2:16-cv-07652	PLUMMER, Jerri and Michael Plummer vs. Boston Scientific Corporation
57	2:15-cv-00904	PROCTOR, Elaine and George Sinclair vs. Boston Scientific Corporation
58	2:14-cv-06266	PRUITT, Alexis vs. Boston Scientific Corporation
59	2:14-cv-25446	REED, Irene vs. Boston Scientific Corporation
60	2:16-cv-03620	RICE, Betty and Steven L. Rice vs. Boston Scientific Corporation
61	2:13-cv-23031	RIOS, Terry and Wayne Budgell vs. Boston Scientific Corporation
62	2:12-cv-03188	ROBERTS, Joanna and Edward Roberts vs. Boston Scientific, Inc. and John Doe Corporations 1-50 (fictitious)
63	2:18-cv-00719	Rock v. Boston Scientific Corporation
64	2:13-cv-18311	RODRIGUEZ, Andrea and Arturo Cortez vs. Boston Scientific Corporation
65	2:14-cv-30521	RODRIGUEZ, Olivia A. vs. Boston Scientific Corporation
66	2:13-cv-27789	ROGERS, Kamelia vs. Boston Scientific Corporation
67	2:18-cv-00297	Rogers v. Boston Scientific Corporation et al
68	2:18-cv-01102	Rubio et al v. Boston Scientific Corporation
69	2:18-cv-00578	Sanders v. Boston Scientific Corporation et al
70	2:14-cv-30103	SCHEIBNER, Sharron K. vs. Boston Scientific Corporation
71	2:18-cv-01168	Selig v. Boston Scientific Corporation
72	2:14-cv-21181	SHEARER, Heather A. vs. Boston Scientific Corporation
73	2:14-cv-07062	SHIELDS, Joan Carol vs. Boston Scientific Corporation
74	2:12-cv-03317	SMITH, Sandra and John Smith vs. Boston Scientific, Inc. and John Doe Corporations 1-50 (fictitious)
75	2:16-cv-03070	THOMAS, Carolyn vs. Boston Scientific Corporation

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	Docket	Case Name
76	2:16-cv-01957	TOELLNER, Norma vs. Boston Scientific Corporation
77	2:13-cv-11695	TOON, Regina vs. Boston Scientific Corporation
78	2:13-cv-12261	TURNER, Daphne vs. Boston Scientific Corporation
79	2:13-cv-00503	WESTBY, Dorothy and Jerry L. Farquhar vs. Boston Scientific Corporation
80	2:14-cv-06297	WHATLEY, Jessica and Joshua Whatley vs. Boston Scientific Corporation